

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

JOHN MITCHELL

Plaintiff,

vs.

TYSON FOODS, INC.,

Defendant.

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NO. 2:24-CV-00079-Z-BR

**PLAINTIFF’S UNOPPOSED MOTION FOR CONTINUANCE OF SCHEDULING
CONFERENCE**

Now comes Plaintiff John Mitchell (“Plaintiff”), through undersigned counsel, who respectfully moves this Court for a continuance of the scheduling conference set before this Court on Thursday, August 22, 2024.

On July 22, 2024, this Court issued an Order to the parties to submit a joint proposed scheduling order and set an in-person Rule 16 Scheduling Conference for August 22, 2024 at 1:30 PM in US Courthouse, Courtroom 2nd Floor, 205 S. E. 5th Ave., Amarillo, TX before Magistrate Judge Lee Ann Reno.

Attorney Lexis Anderson, who was authorized to appear *pro hac vice* before this Court on August 15, 2024, planned on attending the conference on behalf of Plaintiff. However, Attorney Anderson currently has a family health emergency that requires her attention and renders her unable to travel this week for the conference. *See* Declaration of Attorney Lexis Anderson.

On August 16, 2024, Plaintiff’s counsel contacted Defendant’s counsel via E-Mail to confer regarding Plaintiff’s request for a continuance. Defendant is unopposed to a brief

continuance of the scheduling conference in this case. Counsel for both parties discussed their upcoming availability and propose to the Court the following alternative dates: August 29, September 3, September 4, September 9, or September 10.

WHEREFORE, Plaintiff respectfully requests that he be granted a continuance of the scheduling conference currently set for August 22, 2024 at 1:30 pm to a later date selected by this Court.

Date: August 19, 2024

Respectfully submitted,

/s/ Lexis Anderson

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**[PROPOSED] ORDER GRANTING PLAINTIFF’S UNOPPOSED MOTION FOR
CONTINUANCE OF SCHEDULING CONFERENCE**

Upon consideration of Plaintiff’s Unopposed Motion for Continuance of Scheduling Conference, and the entire record, it is hereby ORDERED that the Motion is GRANTED and the scheduling conference is reset for _____.

Absent further order of the Court, all other deadlines remain unchanged.

Dated: _____

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that on August 19, 2024, I served the foregoing **PLAINTIFF'S UNOPPOSED MOTION FOR CONTINUANCE OF SCHEDULING CONFERENCE** by electronically filing the foregoing with the Clerk of the Court for the United States District Court for the Northern District of Texas by using the CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

/s/ Lexis Anderson
Lexis Anderson

Declaration of Attorney Lexis Anderson

I, Lexis Anderson, declare:

1. I am over 18 years of age and competent to testify in this manner.
2. I live in Bastrop County, Texas and I am counsel for Plaintiff in the above-captioned matter.
3. All statements made in this declaration are true to the best of my own personal knowledge.
4. On July 22, 2024, this Court issued an Order to the parties to submit a joint proposed scheduling order and set an in-person Rule 16 Scheduling Conference for August 22, 2024 at 1:30 PM in US Courthouse, Courtroom 2nd Floor, 205 S. E. 5th Ave., Amarillo, TX before Magistrate Judge Lee Ann Reno.
5. I intended to appear on behalf of Plaintiff at the scheduling conference.
6. A family health emergency now prevents me from traveling to the in-person scheduling conference in Amarillo, TX on the scheduled day.
7. My mother has terminal cancer and was recently hospitalized for several weeks. A follow-up surgery has since been scheduled which conflicts with the scheduling conference.
8. As her primary caretaker, I am responsible for her care after the procedure. Her anticipated condition and care needs prevent me from traveling at this time.
9. I contacted counsel for Defendant via E-Mail on the morning of August 16, 2024 to inform them of this situation and inquire as to their position regarding Plaintiff's Motion for Continuance of the Scheduling Conference. Defendant is unopposed to a brief

continuance and the parties propose alternative available dates for a scheduling conference in this matter.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct. I executed this declaration on August 19, 2024.

/s/ Lexis Anderson
Lexis Anderson